

78 26 133. (NEW) A system according to claim ~~58~~ wherein said main computer is configured to transmit data defining said personal web page to said personal computer.

78 27 38 134. (NEW) A computer program product according to claim ~~84~~, wherein said step of assigning a web page address comprises assigning a web page address based upon said identity code.

78 27 39 135. (NEW) A computer program product according to claim ~~84~~ performing the further step of transmitting data defining said personal web page to said personal computer.--

REMARKS

Examiner Kazimi is thanked for the substantial amount of time involved in examining the large number of claims in this application, and for his courteous and helpful discussion of the application.

Claims 32-42, 58-68, 84-94, 126, 127, and 130-135 are pending. Claims 43-57, 69-83, 95-125, 128, and 129 are canceled by this amendment. Claims 130-135 are added by this amendment.

The independent claims are claim numbers 32, 58, 84, 126, and 127.

On August 05, 1999, Examiner Kazimi and the undersigned conducted a telephone interview. On July 15, 1999, Examiner Kazimi indicated (to Carlos Villamar for the applicants) that he would issue a new office action in this application (in view of the fact that the office action mailed May 05, 1999 did not consider the application as amended by the supplemental amendment filed April 07, 1999).

The examination status of this application is non final in view of the fact that the office action mailed May 05, 1999 did not contain an examination of the claims in the

application. Examiner Kazimi confirmed that the examination status of this application is non final during the telephone interview conducted August 05, 1999. Examiner Kazimi also confirmed that, since no office action was outstanding, no petition for an extension of time was required to file this amendment, and no fee for an extension of time was required in order to obtain entry and consideration of this amendment.

During the telephone interview on August 05, 1999, Examiner Kazimi indicated that he was restricting examination under the doctrine of election by original presentation. The undersigned requested that the examiner formalize the restriction requirement in writing, and the examiner agreed to do so in an interview summary record. However, the undersigned memorializes herein his understanding of the basis for the restriction requirement.

The examiner indicated that claims drawn to marketing (and either a "personal web page" or a "token") constituted a first and constructively elected restricted group, that claims drawn to a database storing data obtained at point of sale terminals and via products purchased using a communication network constituted a second and constructively non-elected restricted group, and that claims defining generating a personal web page which were not limited to marketing constituted a third and constructively non-elected group.

Examiner Kazimi verbally indicated that the first and elected group included claims 32-55, 58-81, and 84-107, that the second and non-elected group included claims 56, 57, 82, 83, 108-110, and 115-120, and that the third and non-elected group included claims 121-129.

Upon review of the claims that Examiner Kazimi indicated were non-elected, the undersigned determined that claims 126 and 127 were actually directed to marketing. Accordingly, the undersigned believes that those claims correspond to the elected invention and therefore should be considered in this application and allowed for the same reasons

applicable to claim 32. Accordingly, this amendment amends those claims to be in independent format.

If the examiner believes that claims 126 and 127 are drawn to non-elected subject matter, and if the examiner cancels those claims on the basis that they are constructively non-elected, then the undersigned requests that the examiner explain why those claims are non-elected when allowing this application. The examiner's explanation clarifying the lines of division between the restricted groups is important, since the assignee of this application intends to file applications claiming the non-elected inventions, and lack of clarity in the definition of the restricted groups could result in consonance issues jeopardizing the validity of patents issuing from the division applications.¹ This issue is especially important in view of the fact that both the allowed claims in group 1 and the non-elected claims in group 3 define (1) generating page data defining a web page based upon personal information and (2) assigning a web page address to the web page based upon the personal information.

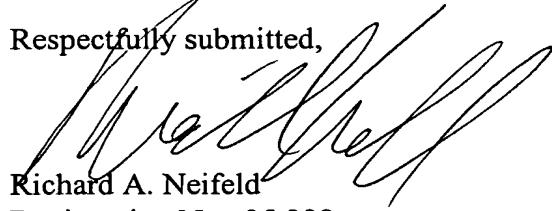
During the telephone interview on August 05, 1999, the examiner and the undersigned also discussed additional dependent claims defining (1) downloading incentives to the user's computer and (2) claiming assigning an address based upon the identity code transmitted with the personal information. Dependent claims defining those limitations are added as claims 130-136.

The preamble of claim 32 was amended by replacing "providing" with--determining-- to correspond the preambular function to the steps recited in the claims.

¹Consonance is based upon the lines of division in the restriction. Texas Instruments, Inc. v. International Trade Commission, 988 F.2d 1165, 1179, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993).

The recitation in the body of claim 32 "assigning a web page address to said personal web page based upon said personal information" was added at the examiner's suggestion to clarify that the personal web page had a unique address. All other claim amendments are formal in nature.

Respectfully submitted,



Richard A. Neifeld
Registration No. 35,299
Tel: 703-412-6492
Fax: 703-413-2220
Attorney of Record
EMAIL: RNEIFELD@OBLON.COM

Carlos R. Villamar
Registration No. 43,224
Attorney of Record
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
Crystal Square Five - Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202

Printed: August 6, 1999 (11:56AM)
I:\atty\RAN\clients\CATALINA\77910057\Am.990805.wpd